

EDVA CM/ECF Frequently Asked Questions (FAQs)

Hints: Use the hyperlinks to take you to the answer to the question in which you are interested, or use the PDF search function to look for key words for topics in which you might be interested.

Filing Fees

- [How can I pay my filing fees?](#)

Technology

- [What technology do I need to get started?](#)
- [How secure is CM/ECF?](#)
- [For unsealed but sensitive documents: Does your system have in place any protections that prevent a sophisticated litigant from “unpacking” your “packed” PDF file – to see your edits/changes to the file metadata? Or in the case of such documents, is it safer to simply to scan and then e-file?](#)

Logins and Registration

- [Do I have to be admitted to the EDVA bar to register for filing in CM/ECF?](#)
- [If I have a PACER account that I use in conjunction with e-filing in another federal court, can I use that same account in EDVA?](#)

CM/ECF Functionality

- [The *Submit* button on the final “commit the transaction” screen should read “Filed with the Court” rather than “Next.”](#)
- [Are there character limitations on creating a new password for ourselves?](#)
- [In the Written Opinions Report, what is the purpose of the Last Name/First Name blocks?](#)
- [Can I be in CM/ECF and PACER at the same time and go back and forth between the two systems?](#)
- [Can I check to see which parties in the case are ECF filing users before I file a document, so that my certificate of service is correct and so that I know to whom to send my paper copy of the document with the NEF?](#)

Filing Events

- [Will Notices of Appearance still be necessary?](#)
- [*How do you add additional attorneys to associate with the case? \(Revised\)](#)
- [Can you add a category for “Certificate Reporting Service” for when the U.S. receives process by certified mail?](#)
- [Could you please add “Motion for Variance” or “Motion for Variant Sentence”?](#)
- [In habeas corpus, we file a *Motion to Dismiss* and *Rule 5 Answer* as two separate documents. We suggest that you make an *Answer* entry. I suggest that you create *Roseboro Notice* as a separate entry as well.](#)

Filing Procedures

- Do we need to file a placeholder for sealed documents?
- When filing a document containing classified information, must the unclassified half-sheet (containing the caption and document title) be filed electronically?
- How should I handle cover letters to the clerk? Sometimes, when I have a motion to file, I will put a cover letter on the motion requesting that the clerk take special action, e.g., immediate forwarding of motion to judge in case there is a time sensitive matter. These cover letters are typically not entered on the docket. They are very important, however, if the document being filed with the court needs special handling.
- *Do I have to file my motion and my memorandum in support as separate documents?
(Revised)
- How will service be made of habeas petitions and orders to respond to respondent's counsel?
- How should we file documents with multiple signatures that are NOT consent orders, such as joint motions with a proposed order?
- How much time do we have to make corrections and re-file once we get the clerk's office e-mail about our errors?
- What if attorneys realize that they have filed the wrong document after they have committed the transaction?
- What if an attorney files a document electronically that has, as one attachment, an exhibit or other kind of attachment that is exempt from e-filing?
- Are attachments that are not allowed to be filed electronically considered to be timely filed if they are submitted by mail or in person after the main document is filed electronically? How should we work the timing on the separate pieces, in other words?
- How do we handle pleadings filed by clients who that we represent who file these pleadings pro se without our (the attorney's) knowledge?
- When adding or creating a party, should we include fictitious names or akas?

NEFs

- *Does each person who receives a NEF get one free look? For example: two attorneys of record and one case manager. (Revised)
- Will the secondary e-mail addressees be listed on the NEF?
- Will the use of the "out of office" automatic reply e-mail function present any problems with respect to the Notices of Electronic Filing? In other words, will the autoreply jam the CM/ECF system?
- SAUSAs come and go, and cases get reassigned daily. How will we ensure that the NEFs will get to where they need to go? Should they just file counsel of record each time cases change hands?
- Will all counsel of record in a multiple-defendant indictment receive a NEF upon the filing of a co-defendant's plea agreement? Will all counsel of record in a multiple-defendant indictment receive a NEF upon filing of all sealed documents, regardless of the filing party?
- Why is it required that we serve a copy of the NEF to pro ses? We don't currently serve file-stamped copies on pro se prisoners now.

- [If a pro se litigant files a 2255, and the AUSA is no longer employed by the U.S. Attorney's Office, how do we obtain notice of the filing?](#)
- [Can we limit our receiving of NEFs only to active cases?](#)
- [I thought I had done everything I was supposed to, and yet I'm not receiving my NEFs. What's wrong?](#)

Address Information

- [Under Local Rule 7, home addresses must be redacted from pleadings. Will the address of pro se parties appear in the NEF under "service by other means"?](#)

Signature Block

- [Why do we have to put our bar number on the documents, when bar numbers constitute personal identifiers like Social Security numbers?](#)
- [I am concerned about including my e-mail address in my signature block. I don't want inmates to have my e-mail address!](#)

Miscellaneous

- [How can we get filings to Probation without sending hard copies?](#)
- [Do we have to notify potential claimants to limitation of liability actions that they must e-file in published notices?](#)

Filing Fees

How can I pay my filing fees?

Since the EDVA currently does not accept electronic payment of filing fees, filing fees should be paid in the traditional way: by cash, check, money order, Mastercard, or Visa, over the counter or by U.S. mail.

Technology

What technology do I need to get started?

You need the following basic technology to work in the ECF system:

- word processing software,
- connection to the Internet and an Internet browser,
- an e-mail account,
- software that allows you to convert to Portable Document Format (PDF), and
- a scanner, possibly, for non-text or non-electronic documents.

For more details, see the "Getting Started" section of the *E-Policies and Procedures* manual.

For unsealed but sensitive documents: Does your system have in place any protections that prevent a sophisticated litigant from “unpacking” your “packed” PDF file – to see your edits/changes to the file metadata? Or in the case of such documents, is it safer to simply to scan and then e-file?

Converting a word processed document into a PDF document is like taking a snapshot of the word processed document. None of the word processed edits can be seen or “unpacked” once the document has been PDFed. It is truly a case of what you see is what you get.

How secure is CM/ECF?

CM/ECF has many security features and has passed an evaluation by the National Security Agency. However, filing users are responsible for maintaining the security of their login and password.

Logins and Registration

Do I have to be admitted to the EDVA bar to register for filing in CM/ECF?

Yes – or you can be an attorney with the U.S. Attorney’s Office..

If I have a PACER account that I use in conjunction with e-filing in another federal court, can I use that same account in EDVA?

Yes. PACER accounts work for all federal courts and allow users to query and run reports in ECF.

CM/ECF Functionality

The *Submit* button on the final “commit the transaction” screen should read “Filed with the Court” rather than “Next.”

CM/ECF is a nationwide program, and the button names are hard coded. We agree that it is very important to pay attention to this screen, since it is your last chance to correct a mistake before committing your transaction.

Are there character limitations on creating a new password for ourselves?

Any combination of the letters and numbers that is at least six characters may be used. Don’t use symbols.

In the Written Opinions Report, what is the purpose of the Last Name/First Name blocks?

The Last Name/First Name blocks are data entry fields to search for written opinions by party name. Business names should be typed in full in the Last Name field.

Can I be in CM/ECF and PACER at the same time and go back and forth between the two systems?

Yes. CM/ECF and PACER are separate and require separate logins and passwords. Therefore, you can be logged into both at the same time.

Can I check to see which parties in the case are ECF filing users before I file a document, so that my certificate of service is correct and so that I know to whom to send my paper copy of the document with the NEF?

Take the following steps to find out who will or will not receive a NEF in a particular case:

- Click on *Utilities* on the main blue menu bar.
- Click on *Mailings*.
- Click on *Mailing Info for a Case*.
- Enter the case number in the white box.
- Click on the *Submit* button.

Filing Events

Will Notices of Appearance still be necessary?

This procedure is not affected by ECF. Attorneys can make an attorney/party association when docketing either motions or civil answers to complaints. In the paper world, clerk's office staff have been making this attorney/party association when an attorney files initiating documents, motions, civil answers to complaints, and consent orders. The clerk's office will continue to make the attorney/party association for initiating documents and consent orders. If attorneys wish to make an appearance in a case when they are not filing another document, they can file a Notice of Appearance. Attorneys who are co-counsel may file a *Notice of Appearance*.

How do you add additional attorneys to associate with the case?

File a Notice of Appearance.

*Note: Simply adding the name of another attorney in the same firm at the bottom of the document or as part of the filing user's signature block does NOT add that attorney to the case. In fact, no attorneys' name, other than that of the filing user, should appear in the document's signature block. If more than one attorney signs the document, the Multiple Signatories policy should be used, which requires a full nine-element signature block for each signatory.

Can you add a category for "Certificate Reporting Service" for when the U.S. receives process by certified mail?

At this time, we will not be adding any events into CM/ECF. However, "Certificate Reporting Service" is a Return of Service and will be exempt from e-filing.

Could you please add *Motion for Variance* or *Motion for Variant Sentence*?

At this time, we will not be adding any events. Please use the event *Motion - Miscellaneous Relief* and modify the event text to reflect the motion's requested relief.

In habeas corpus, we file a *Motion to Dismiss* and *Rule 5 Answer* as two separate documents. We suggest that you make an *Answer* entry. I suggest that you create *Roseboro Notice* as a separate entry as well.

For an answer, you should use the event *Answer to Complaint*, which allows you to link to the petition. We already have the event *Roseboro Notice* under *Notices*.

Filing Procedures

Do we need to file a placeholder for sealed documents?

No. Since attorneys should not be filing sealed documents electronically, clerk's office staff will electronically file a *Sealed Placeholder* for the sealed document.

When filing a document containing classified information, must the unclassified half-sheet (containing the caption and document title) be filed electronically?

This type of document is exempt from e-filing. The half-sheet should be filed over the counter with the confidential document. The half-sheet will then be scanned and docketed by clerk's office staff.

How should I handle cover letters to the clerk? Sometimes, when I have a motion to file, I will put a cover letter on the motion requesting that the clerk take special action, e.g., immediate forwarding of motion to judge in case there is a time sensitive matter. These cover letters are typically not entered on the docket. They are very important, however, if the document being filed with the court needs special handling.

If you find it necessary to send a cover letter with your electronic filing, you can file the cover letter as an attachment to your main document. In the instance mentioned above, the judge will receive a NEF and your motion immediately after you file the motion, so a cover letter should not be necessary. If you should attach a cover letter to your main document, please remember that such attachments become part of the official record of the case. For instructions on how to add attachments to your main documents, please see the *Attachments to Documents* section of the *E-Filing Policies and Procedures* manual.

Do I have to file my motion and my memorandum in support as separate documents?

*This is answer has been revised in an attempt to clarify it.

Yes or no, depending on how you create the documents.

Yes, if you create the motion and memorandum in support as two separate documents. In other words, If both your motion and your memorandum in support have their own signature blocks and their own heading (court name, division, case style, case number, and document title), then you have two separate documents that must be filed separately. Please file the motion as one entry and the memorandum in support as a separate entry in which you link the memorandum to the motion it is supporting. Always file the motion before filing the memorandum in support.

No, if you create them as one document, with a single heading and only one signature block. If you file the motion and memorandum in support as one document, be sure to text into the appropriate white rectangular box the fact that the document includes a memorandum in support as well as the motion.

(Examples of the two situations follow starting on the next page.)

Example 1 – File as two separate events:

Document #1 Motion for Summary Judgment

Document # 2 Memorandum in Support (and link to the Motion for Summary Judgment)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ROAD RUNNER)	
Plaintiff)	
)	
)	
v.)	Civil Action 1:07cv10XX
)	
)	
WILE E. COYOTE)	
Defendant)	

MOTION FOR SUMMARY JUDGMENT

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/s/

Denny Crane
Va Bar Number 76543
Attorney for Road Runner
Crane Poole & Schmidt
987 Water St
Norfolk, VA 22314
(757) 222-2700
(757) 222-2701
Denny_Crane@yoohoo.com

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20 ___, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Jacob Smith
(Attorney for Wile E. Coyote)
Attorney at Law
123 Main Street
Any Town, VA 22310
jsmithatty@goodlaw.com

And I hereby certify that I will mail the document by U.S. mail to the following non-filing user:

Jane Jones
224 Ivy Lane
Any Town, VA 22214

/s/

Denny Crane
Va Bar Number 76543
Attorney for Road Runner
Crane Poole & Schmidt
987 Water St
Norfolk, VA 22314
(757) 222-2700
(757) 222-2701
Denny_Crane@yoohoo.com

(Separate document and filing)
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ROAD RUNNER)	
Plaintiff)	
)	
)	
v.)	Civil Action 1:07cv10XX
)	
)	
WILE E. COYOTE)	
Defendant)	

MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

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BY: _____/s/_____

Denny Crane
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Attorney for Road Runner
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Jane Jones
224 Ivy Lane
Any Town, VA 22214

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Denny Crane
Va Bar Number 76543
Attorney for Road Runner
Crane Poole & Schmidt
987 Water St
Norfolk, VA 22314
(757) 222-2700
(757) 222-2701
Denny_Crane@yoohoo.com

Example 2: File as one event and text in “Memorandum in Support” in the appropriate text entry field:

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ROAD RUNNER)	
Plaintiff)	
)	
)	
v.)	Civil Action 1:07cv10XX
)	
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WILE E. COYOTE)	
Defendant)	

MOTION FOR SUMMARY JUDGMENT AND MEMORANDUM IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT

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Denny_Crane@yooohoo.com

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 20 ____, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Jacob Smith
(Attorney for Wile E. Coyote)
Attorney at Law
123 Main Street
Any Town, VA 22310
jsmithatty@goodlaw.com

And I hereby certify that I will mail the document by U.S. mail to the following non-filing user:

Jane Jones
224 Ivy Lane
Any Town, VA 22214

/s/

Denny Crane
Va Bar Number 76543
Attorney for Road Runner
Crane Poole & Schmidt
987 Water St
Norfolk, VA 22314
(757) 222-2700
(757) 222-2701
Denny_Crane@yoohoo.com

How will service be made of habeas petitions and orders to respond to respondent's counsel?

This procedure will not change; service will be mailed by U.S. mail as it is now.

How should we file documents with multiple signatures that are NOT consent orders, such as joint motions with a proposed order?

The joint motion should be filed electronically, following the procedure for multiple signatories, with the proposed order as an attachment. See the *Electronic Case Filing Policies and Procedures* manual, *Multiple Signatories*.

How much time do we have to make corrections and re-file once we get the clerk's office e-mail about our errors?

The corrected documents are due upon receipt of the e-mail notification of the error.

What if attorneys realize that they have filed the wrong document after they have committed the transaction?

If attorneys realize that they have attached the wrong document after they have committed the transaction, they should immediately file the correct document and notify the clerk's office. The clerk's office will docket a *Notice of Correction*.

What if an attorney files a document electronically that has, as one attachment, an exhibit or other kind of attachment that is exempt from e-filing?

If an attorney files a document electronically that has, as one attachment, an exhibit that is exempt from e-filing, the attorney should replace the exempt document with a placeholder stating that the document was submitted to the clerk's office on paper. The attorney should submit the exempted document to the clerk's office with a copy of the NEF. The attorney should clearly indicate on the paper document which exhibit the document is and for which case, so that the clerk's office will know into which case and with which electronically filed document the document goes with when we receive it. The attorney must file both the electronic document and the paper attachment timely.

Are attachments that are not allowed to be filed electronically considered to be timely filed if they are submitted by mail or in person after the main document is filed electronically? How should we work the timing on the separate pieces, in other words?

See the answer above. You must timely file both the electronic and paper documents.

How do we handle pleadings filed by clients who that we represent who file these pleadings pro se without our (the attorney's) knowledge?

The attorney of record will receive a NEF once the document has been scanned and electronically filed by clerk's office staff.

When adding or creating a party, should we include fictitious names or akas? (e.g., ABC Crop d/b/a Universal Floors, etc.)

Doing business as, also known as, etc. are alias names and should be added to the party when the party is added to the case.

NEFs

Does each person who receives a NEF get one free look? For example: two attorneys of record and one case manager.

* Revised. No. The primary addressee (the attorney who is the filing user) gets one free look. The filing user can add more than one secondary e-mail addressee, and all secondary addressees will receive NEFs. However, only the secondary e-mail addressee who first clicks on the hyperlink in the e-mail will receive the free look. Each of the two recipients (the primary and the first secondary) must take this free look by clicking on the document link within the e-mailed NEF and must do so within 15 days of receiving the e-mailed NEF. Once the person has taken the free look and used that opportunity to print and/or electronically save the document, or once the 15 days has expired – whichever comes first – the person will have to go through PACER and pay the \$.08/page cost to look at, save, and/or print the document.

Will the secondary e-mail addressees be listed on the NEF?

Yes.

Will the use of the “out of office” automatic reply e-mail function present any problems with respect to the Notices of Electronic Filing? In other words, will the autoreply jam the CM/ECF system?

No. The CM/ECF may or may not accept receipt of the autoreply. In any case, the system can deal with an autoreply. As well, you'll still have your NEF when you return to the office, just as you continue to receive other kinds of e-mail, even with the autoreply enabled.

SAUSAs come and go, and cases get reassigned daily. How will we ensure that the NEFs will get to where they need to go? Should they just file counsel of record each time cases change hands?

File a *Notice of Substitution of Counsel* electronically.

Will all counsel of record in a multiple-defendant indictment receive a NEF upon the filing of a co-defendant's plea agreement? Will all counsel of record in a multiple-defendant indictment receive a NEF upon filing of all sealed documents, regardless of the filing party?

We have removed this answer until we have finished researching the question further.

Why is it required that we serve a copy of the NEF to pro se? We don't currently serve file-stamped copies on pro se prisoners now.

Pro se litigants are entitled to receive everything an attorney does.

If a pro se litigant files a 2255, and the AUSA is no longer employed by the U.S. Attorney's Office, how do we obtain notice of the filing?

The U.S. Attorney's Offices in Norfolk and Alexandria have designated a staff member who will receive e-mails from the clerk's office that notify that U.S. Attorney's Office staff member when the 2255 has been filed. The U.S. Attorney's Office can then receive copies through PACER. The new AUSA should file a *Notice of Substitution of Counsel*, which may be found under *Notices*.

Can we limit our receiving of NEFs only to active cases?

If you file a *Notice to Discontinue NEFs*, the clerk's office will turn off notices for you for that particular case. **Note:** If the primary e-mail addressee is not receiving NEFs, the secondary e-mail addressee won't receive NEFs either.

I thought I had done everything I was supposed to, and yet I'm not receiving my NEFs. What's wrong?

It's possible that your e-mail spam filter is blocking the NEFs from arriving in your e-mail box. Please check your system, and make sure that e-mails from the CM/ECF address (cmecf@vaed.uscourts.gov) can get through.

Address Information

Under Local Rule 7, home addresses must be redacted from pleadings. Will the address of pro se parties appear in the NEF under "service by other means"?

If a party appears pro se, the pro se party's address is exempt from the rule about redacting personal identifiers and must be on the docket sheet. Therefore, the pro se party's address will appear both on the Certificate of Service and on the NEF.

Signature Block

Why do we have to put our bar number on the documents, when bar numbers constitute personal identifiers like Social Security numbers?

Local Rule already requires that the attorney's Virginia bar number appear on any document that is a first appearance by an attorney.

I am concerned about including my e-mail address in my signature block. I don't want inmates to have my e-mail address!

Whatever e-mail address you used when registering for an EDVA ECF login and password is the e-mail address the system uses and will therefore also show up on the front of the docket sheet and in every NEF that is generated. Therefore, if you wish not to have your e-mail address made public, you'll have to create a generic office e-mail address.

Once you have a generic e-mail address created and/or whenever you have a new e-mail address, update your e-mail address in the system by taking the following steps:

- Click on *Utilities* on the main blue menu bar.
- Click on the *Maintain Your Account* link.
- Click on the *Email information* button.
- Highlight your old e-mail address and then type your new e-mail address in the Primary E-mail Address box.
- Click on the *Return to Person Information* button.
- Click on the *Submit* button.
- Click on the second *Submit* button.

Miscellaneous

How can we get filings to Probation without sending hard copies?

CM/ECF will not send a NEF to Probation, and Probation Office staff are not registered e-filers; therefore, you will need to send a paper copy to Probation.

Do we have to notify potential claimants to limitation of liability actions that they must e-file in published notices?

The published notices state that possible claimants must file claims with the Court. If the claimant is pro se, then the claim is exempt from e-filing. If the claim is filed by an attorney, then the attorney will follow the e-filing rules of EDVA.